

FEDERAL COMMUNICATIONS COMMISSION  
WASHINGTON, D.C. 20554

24 MAR 1993

EX PARTE OR LATE FILED

*Docket - 222*  
POLICY & PLANNING  
BRANCH ROOM 5202  
IN REPLY REFER TO:

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APR 13 1993

FEDERAL COMMUNICATIONS COMMISSION  
OFFICE OF THE SECRETARY

Honorable Sherwood Boehlert  
Member, House of Representatives  
Alexander Pirnie Federal Building  
Room 200, 10 Broad Street  
Utica, New York 13501

Dear Congressman Boehlert:

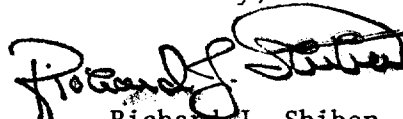
This is in reply to your letter of February 24, 1993, in which you inquired on behalf of your constituents, Scott Haverly and Kim Vicks, regarding the Notice of Proposed Rule Making (Notice) in PR Docket No. 92-235, 57 FR 54034 (1992). This Notice proposes comprehensive changes to the Commission's Rules governing the private land mobile radio services operating in the frequency bands below 512 MHz.

Your constituents are specifically concerned about the impact of these changes on radio control (R/C) hobby users. Enclosed is a discussion paper concerning our proposals for the 72-76 MHz band. In short, we expect there would be no adverse impact on R/C operations because of any proposal contained in the Notice.

We are, of course, sensitive to the concerns of both users of private land mobile radio spectrum and R/C hobbyists. We will, therefore, take your constituent's concerns into account when we develop final rules in this proceeding. As indicated in the Notice, we remain convinced that without significant regulatory change in radio operations in the bands below 512 MHz, the quality of communications in the private land mobile radio services will continue to deteriorate to the point of endangering public safety and the national economy.

We want to thank you for your interest in this proceeding. Your constituents' letter will be included in the record of the proceeding. We expect final rules to be issued in 1994.

Sincerely,



Richard J. Shiben  
Chief, Land Mobile & Microwave Division  
Private Radio Bureau

Enclosures  
cc:

CNTL NO - 9301039

Chief, PR Bureau  
Chief, LM&M Division  
Docket Files, Room 222  
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SHERWOOD BOEHLERT  
25TH DISTRICT, NEW YORK

COMMITTEES:  
SCIENCE, SPACE, AND TECHNOLOGY  
PUBLIC WORKS AND TRANSPORTATION  
SELECT COMMITTEE ON AGING

NORTHEAST-MIDWEST CONGRESSIONAL  
COALITION  
U.S. DELEGATION INTERPARLIAMENTARY UNION



PRB  
92-235  
1039

**Congress of the United States**  
**House of Representatives**  
**Washington, DC 20515-3225**

RESPOND TO:

WASHINGTON OFFICE:

☐ 1127 LONGWORTH HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3225  
(202) 225-3665

CENTRAL OFFICE:

☒ ALEXANDER PIRNIE FEDERAL BUILDING  
10 BROAD STREET  
UTICA, NEW YORK 13501  
(315) 793-8146

TOLL FREE: 1-800-235-2525

February 24, 1993

Ms. Linda Townsend Solheim  
Director  
Office of Legislative Affairs  
Federal Communications Commission  
1919 M Street, N.W.  
Washington, D.C. 20554

Dear Ms. Solheim:

Enclosed is correspondence I have received from my constituents, Scott Haverly and Kim Vicks, expressing their concerns with the effect the proposed restructuring of radio frequencies (NPRM-PR Docket 92-235) will have on the operators of radio controlled model airplanes.

I have informed Mr. Haverly and Ms. Vicks that I would bring the issues they have raised to your attention and ask that the Commission take them into consideration in formulating a final rule.

I would appreciate your review of this matter so that I may respond to my constituents. Please reply to my District Office, Alexander Pirnie Federal Building, Room 200, 10 Broad Street, Utica, New York, 13501.

Thank you for your attention and cooperation. I look forward to hearing from you soon.

With warmest regards,

Sincerely,

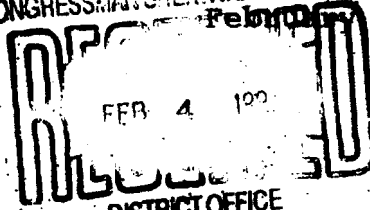
Sherwood Boehlert  
Member of Congress

SB:jhd  
Enclosure

The Honorable Sherwood Boehlert  
41 S. Main Street  
Oneonta, NY 13820

CONGRESSMAN SHERWOOD BOEHLERT

February 1, 1993



Dear Mr. Boehlert,

I have been interested in aviation for as long as I can remember. I am  
very active with a local group whose members enjoy constructing and operating



# ACADEMY OF MODEL AERONAUTICS

1810 Samuel Morse Drive, Reston, Virginia 22090 (703) 435-0750 FAX 703-435-0798

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## Important Information From Your Academy of Model Aeronautics

Dear Fellow AMA Member:

The enclosed letter will explain a recent proposed action from the FCC. The Academy has begun to coordinate efforts by all segments of the hobby and the association industry to defeat this proposal.

It is vitally important that each of us also makes an individual effort in this matter. The most important thing that can be done is that you write to the FCC *before February 26* with your comments. Secondly, please write to your Senators and Congressmen in order that we may "hit all bases" in this proposal which would have profound effects on modeling.

I cannot use strong enough words to encourage your help in this matter. Your help is essential to our efforts and together we can be successful. For your convenience, a sample letter format is provided on the back side.

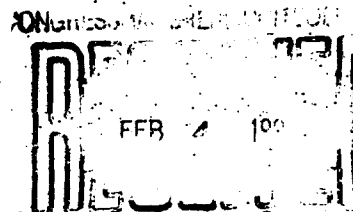
  
Vince Mankowski  
Executive Director

## Draft Letter to Senator or Representative Regarding FCC Rule Making

The Honorable [-Name-]  
[-Address-]  
[-Address-]

*Congressman  
Sherwood Boehlert*

[-Date-] 2-1-93



Dear Mr./Mrs. [-Name-] (if to Representative):

Dear Senator [-Name-] (if to Senator):

[Begin with a description of the writer's interest. E.g., "I am retired and derive many hours of enjoyment from constructing and operating radio controlled model airplanes." Or, "I have been interested in aviation for as long as I can remember. I am very active in a local club whose members enjoy constructing and operating radio controlled model airplanes."]

I am very concerned about proposed rules that are currently under consideration by the Federal Communications Commission (FCC). The proceeding is PR Docket 92-235. If adopted, the new rules will greatly reduce the usability of frequencies currently assigned for model use and increase the risk of accidents and attendant liability for controlling model airplanes.

Our radio control frequencies are in the 72 - 76 MHz band. This band is primarily used for private land mobile dispatch operations. However, our radio control frequencies in this band are far enough apart from the land mobile frequencies that we have been able to share the band without either use interfering with the other.

Now the FCC wants to create more land mobile frequencies by splitting them into narrower bandwidths and rearranging the band plan. As a result, many land mobile frequencies will move closer to the radio control frequencies and cause interference to radio control operations. I am told that of the 50 frequencies that are presently available for radio control of model airplanes, only 19 frequencies will be left if these new rules are adopted.

When we fly our model airplanes under radio control, we go to great lengths to assure the safety of the operators and bystanders and the protection of property. Many of our safety precautions involve the careful coordination and use of the radio control frequencies. If the number of usable frequencies is diminished as proposed by the FCC, the remaining frequencies will become congested and the margin of safety will be greatly decreased.

Please understand that many model airplanes have wing spans up to 10 feet and weigh as much as 30 or 40 pounds. The models themselves are expensive to build; but more to the point, they are capable of causing property damage, serious injury, or even death if radio interference causes the operator to lose control of the craft. We often fly our models at organized events and contests where hundreds of operators participate. We need the use of our full complement of radio frequencies in order to assure a safe flying environment.

I do not think it is wise of the FCC to seek to improve the operating conditions of land mobile radio users at the expense of radio control modelers. The FCC may not think we are as important as business users of radios, but we have a considerable investment in our models and in our radio equipment. The hobby provides many hours of enjoyment to thousands of people like myself and contributes to the advancement and development of the commercial aviation industry.

Please help me continue the safe enjoyment of my pastime by not allowing the FCC to carry out its proposals for the 72-76 MHz band.

Sincerely,

*Kimi R. Vicks*

# **Urgent Frequency Alert!**

**(Responses needed before February 26, 1993)**

**To all users of model frequencies in both the 72 and 75 MHz bands.**

The Federal Communications Commission (FCC) has issued a Notice of Proposed Rule Making (NPRM-PR Docket 92-235) which, if implemented, will have a profound effect on model frequency use. Developed by the FCC Land Mobile Service, it creates a massive frequency restructuring—the first of its type in 60 years.

The 419 page document addresses frequency use in another service (Part 88) but will also affect Part 95 where our RC frequency use lives. Without becoming too technical, the restructuring inserts two new frequencies between those presently assigned for modeling use and commercial users. That means we could have a transmitter almost four times the power output of ours, only 2.5 kHz away from a large number of our 72 and 75 MHz frequencies.

In the 72 MHz band, thirty-one of our frequencies would be bracketed, principally in the lower end of the band (below channel 42). A similar condition would exist in the 75 MHz band. Two examples of the frequency placing would look like the following:

<b>Model Channel 14</b>	<b>72.070 MHz</b>
New insert	72.0725 MHz
New insert	72.0775 MHz
<b>Present Commercial</b>	<b>72.080 MHz</b>
New insert	72.0825 MHz
New insert	72.0875 MHz
<b>Model Channel 15</b>	<b>72.090 MHz</b>
<b>OR</b>	
<b>Model Channel 62</b>	<b>75.430 MHz</b>
New insert	75.4325 MHz
New insert	75.4375 MHz
<b>Present Commercial</b>	<b>75.440 MHz</b>
New insert	75.4425 MHz
New insert	75.4475 MHz
<b>Model Channel 63</b>	<b>75.450 MHz</b>

Not only are these new frequencies very close to ours, they are also designated as "mobile", therefore we would never know where they are operating, including right in the pit area at your field or on the street and highway nearby. In addition, the technical specifications for the new equipment allows a legal frequency tolerance which could place their signal directly on ours!

## **What can be done to address this situation?**

The Academy, with full industry support, will pursue all avenues available through the legal counsel they retain to represent modelers before the FCC. The first step in that process is the filing of formal comments prior to February 26, 1993. Other steps will follow.

We have been strongly urged to use "every arrow in our quiver" to address this proposal. You and your club members are very important arrows that can help us make our point!

You are being asked to write *NOW* to those persons and agencies in the federal government that *represent you!*

**To a Senator:**  
The Honorable (name)  
United States Senate  
Washington, D.C. 20510

**To the FCC:**  
FCC  
1919 M St, NW  
Washington, DC 20554

**To a Representative:**  
The Honorable (name)  
U. S. House of Reps.  
Washington, D.C. 20515

(For the name of your Senator or Representative, contact the Capitol Switchboard at (202) 224-3121.)

## **In writing your letters it is important to do the following:**

- 1. Include the identification of the proposed rule making:** PR Docket 92-235
- 2. Personalize your concerns:**  
"I am retired and derive many hours of pleasure from building and operating radio controlled models."  
"I am an active competitor in local, national, and international events."  
"As a student, I learn valuable lessons from building and operating models."  
"I am active in our local club."
- 3. Indicate your financial involvement:**  
"I own 2 radio pieces of radio equipment that would be unusable if this frequency assignment is adopted."  
"My hobby shop business involves 10% radio control sales."
- 4. Strongly stress the safety and liability aspect created by the proposal!**  
"The models I build weigh as much as 10-20 pounds and operate at 60-100 m.p.h."  
"Our club operates at a public park."  
"Since the proposed new frequencies are so close, interference will occur and render most model frequencies unusable."

## **Some other points to consider.**

- 1. The best approach** is a personal letter, written by you, to the government official(s) involved.
- 2. The second level** of effectiveness is a signed form letter.
- 3. The least effective** communication is a petition simply signed by individuals. (This approach is not recommended)
- 4. Many persons derive enjoyment** from our hobby/sport, not only those who actually build and operate models. Ask them to write as well, to indicate their concern!
- 5. The most important fact** to remember is to act now! The February 26th date is soon upon us! Write NOW!
- 6. Contact the Technical Department** at AMA Headquarters for additional information - (703) 435-0750, ext. 264.